



PATENT  
Docket No. 482772000500

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on May 10, 2002.

*Debbie Labriny*  
Debbie Labriny

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kirk WATKINS

Serial No.: 09/497,142

Filing Date: February 3, 2000

For: A SYSTEM AND METHOD FOR  
USING A PAYROLL DEDUCTION  
CARD AS A PAYMENT INSTRUMENT

Examiner: Charles R. KYLE

Group Art Unit: 2164

#16  
S. Cotton  
5/15/02

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INTERVIEW SUMMARY RECORD UNDER 37 CFR 1.133

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following summary embodies the points raised by Applicant's representative during the interview with Examiners Kyle and Kasimi on May 9, 2002, by telephone. Applicants wish to express their appreciation to Examiners Kyle and Kasimi for granting the interview and their assistance in further the prosecution of this application.

Applicant submitted a proposed amended claim and various reasons for patentability over the cited prior art. Those reasons include: 1) the Davis reference does not disclose deducting purchase amounts from an employee's payroll; 2) that the Kirtley Cole reference does not disclose payroll deductions for purchases made by the employee from a party other than that

person's employer; and 3) the references combined do not show a payroll deduction card system that allows for deductions to an employee's payroll for purchases made from a party other than the employer.

The rejection under 35 USC 1.112 was discussed, and it was agreed that substituting "debiting" with "deducting" would overcome the rejection.

Applicant's representative and the Examiners agreed that the issue of obviousness-type double patenting will be addressed when the claims are found to be otherwise in condition for allowance. At that time, the comparison of the claim of Applicant's prior patent and any claims found to be allowable in this application will be compared and a determination made as to whether a terminal disclaimer would be necessary to avoid an unjust extension of Applicant's patent term.

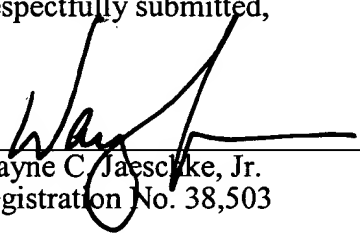
Examiners suggest that since this case is after final, it is necessary to file a continuing application so that a further search can be conducted to determine whether Applicant's proposed

claim places this case in condition for allowance, and, further, the proposed amendment is fully supported by the specification. For that reason, no agreement was made reached on the allowability of the pending or proposed claim. The examiner did agree to grant a subsequent interview, if after a further search, the claims are not found to be in condition for allowance.

Respectfully submitted,

Dated: May 10, 2002

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